TOWN OF COEYMANS PLANNING/ZONING BOARD MEETING

May 25, 2022

Attendees

Members Present: Mr. Nolan, Mr. Collins, Mr. Pietropaoli, Mr. Gonzalez, Mr. Boomer, Mr. teRiele, Ms. Grogan, Ms. Stanton

Members Absent:

Also Present: Mr. Brick, Mr. Chmielewski, Ms. Ziegler

Public Present:

Call to Order/Pledge of Allegiance

Meeting was called to order at 7:00 p.m. There was a quorum; full board present. Mr. Nolan led the Pledge of Allegiance.

Approval of Minutes

Mr. Collins made motion to approve the minutes of May 9, 2022; seconded by Mr. Pietropaoli; all in favor.

Report of the Building Inspector – None

Subdivision

**Tompkins Road Properties, LLC, 22-005SD**: An application for a two lot subdivision on the property owned by Tompkins Road Properties, 72.90 acres located on Blossom Hill Road, Tax Map #166.-2-32.1 to be divided into two lots: Lot #1 to be 14.28 plus or minus acres and Lot #2 to be 58.72 plus or minus acres.

We are still waiting for the area variance. Mr. Hite came to the Building Department to pick up the application but nothing has been received yet.

Special Use Permit

**Frederick Allen 22-001SUP**: An application for a special use permit for a ¼ acre pond located at 3 Beck Road, Tax Map #177.-1-65.

We are waiting for Albany County Planning Board’s response.

Public Hearing

**George McHugh 22-0011 INT**: An application for an appeal for the Special Use Permit for Magic Forest Farms (22-001 SUP) located at 138 Bucks Ranch Road, Tax Map #141.-2-7.

The Planning/Zoning Board met in executive session (attorney/client) before tonight’s meeting. They had an indepth discussion. Mr. Brick read the decision into the record:

“Based upon review of all documents submitted by the applicant, the property owner and their authorized agents, as well as all testimony provided by these same persons, the Planning Board/ZBA hereby makes the following findings:

A review of the application materials and testimony provided makes it clear that that use being sought for the property is multiple music events with on-site camping incidental to them. The for-profit event is the music, not the camping. The self-described “Event Promoters” are selling tickets to a music event, not to a campsite. The use of campsites is clearly incidental to the planned music event. In fact, the camping itself can be viewed as a by-product of the music event’s no re-entry policy, not a standalone use of the property. This determination is based upon the totality of the applicant’s materials and presentations. Just a few examples from the Record supporting this determination are:

1. The application describes the proposed use for the property as “five separate music festivals with camping”.

2 The EAF describes the proposed action as “five music festivals consisting of 300-1500 people depending on event and ticket sales.” It makes no reference to camping.

3. Applicant’s agents at both the April 11 and April 27 meetings introduced themselves as “event promoters” not campground operators. Their testimony centered primarily upon conducting a multi-day music event with overnight camping incidental thereto.

4. The applicant’s letter submitted on May 9th admits that their pending application is not for a commercial campground by stating on Page 4 that if the current appeal is granted, the applicant will not apply for a use variance and that “we will have our engineer, Shawn Farrel, from Incite Northeast applying (sic) for a special use permit for a commercial campground.” Stating that they will apply for a campground special use permit in the future is an admission that their current application is obviously for something else.

5. At the May 9th meeting, the property owner stated that she does not want a commercial campground.

6. There is no evidence in the record that the tickets being sold are in exchange for reservation of a campsite. The proposed commercial transaction appears to be payment of money in exchange for access to a music festival. Once paid, attendees are then given the opportunity to camp onsite because of the event’s no re-entry policy. The commercial transaction is for entry not camping.

7. The “site plan” submitted is a plan for holding music events on the property with overnight camping incidental thereto, it is not a site plan to utilize the property for commercial campsites. In fact it is entitled "Site Plan for Events held at Magic Forest Farm.” It states “this document is intended to serve as an outline for the 2022 events that are planned to be held at Magic Forest Farm.”

Operating campsites for commercial gain is an allowable use in the R-A District subject to obtaining a Special Use Permit. Conducting music events for profit regardless of their size or their planned overnight accommodations is not an allowed use in the R–A District. The Appeal is GRANTED. The applicant can apply for a Special Use Permit to allow for commercial campsites if he chooses. Any such application should include a site plan in conformity with the requirement of Coeymans Town Code Chapter 136.”

Ms. Grogan made motion to grant the appeal and dismiss the Special Use Permit application of Jason Ball; seconded by Mr. Collins; all in favor.

The applicants asked questions about their option/next steps. Mr. Brick suggested the applicants meet with him and Mr. Chmielewski to review options. They will meet at 9:00 a.m. on Friday, May 27, 2022.

Adjournment

Ms. Grogan made motion to adjourn; seconded by Mr. Pietropaoli; all in favor.